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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 10/786,312      | 02/24/2004  | Eduard K. de Jong    | SUN-P9179              | 3445             |
| 7590            | 06/30/2004  |                      | EXAMINER               |                  |
|                 |             |                      | TREMBLAY, MARK STEPHEN |                  |
|                 |             |                      | ART UNIT               | PAPER NUMBER     |
|                 |             |                      | 2876                   |                  |

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                  |   |  |
|------------------------------|----------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b>           | <b>Applicant(s)</b>   |  |
|                              | 10/786,312                       | DE JONG, EDUARD K.<br> |  |
|                              | <b>Examiner</b><br>Mark Tremblay | <b>Art Unit</b><br>2876   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-68 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-68, are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication #2004/0024735 to Yap et al. ("Yap" hereinafter), in view of U.S. Patent Application Publication #2003/0212896 to Kisliakov ("Kisliakov" hereinafter). The key to understanding Yap's relation to the instant claims is paragraph 649. "Referring to FIG. 52, the control template customisation information that distinguishes the smart card 10 from traditional smart cards includes a tuple of data from by a vendor identifier, a card identifier and an application identifier. The vendor identifier and the application identifier pair are equivalent to the service identifier described above for the architecture 200. " This means that Yap has been talking about an application number and vendor ID while calling it a "service identifier". The application ID and vendor ID correspond to a RID comprising an AID, as taught by Kisliakov. See paragraph 276. Further , Yap teaches that "the service identifier can be an identifier to identify the application to be used or application location (e.g. URL)." This provides the nexus between the RID, AID, and URL, as claimed by Applicant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the RID and AID taught by Kisliakov as the service identifier taught by Yap because the service identifier comprises a vendor ID and application identifier, essentially the same information or type of information as a

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RID and AID. With that basic understanding, the combined teachings and claims fall into a rather coherent one-to-one relationship, as they would be understood by one skilled in the art. Note that the PIX is a defined ISO 7816 standard, part of the RID.

*Voice*

Inquiries for the Examiner should be directed to Mark Tremblay at (571) 272-2408. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (571) 272-2398. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.



MARK TREMBLAY  
PRIMARY EXAMINER

June 28, 2004